



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington DC 20590

PIPELINE SAFETY

2010 State Damage Prevention Grant

for

Kentucky Underground Protection Inc

Please follow the directions listed below:

1. Review the entire document for completeness.
2. Review and have an authorized signatory sign page 2.
3. Fasten all pages with a paper or binder clip - no staples please as this package will be scanned upon it's arrival at PHMSA.
4. Mail the entire document, including this cover page to the following:

**ATTN: Karina Munoz
U.S. Department of Transportation
Pipeline & Hazardous Materials Safety Administration
Office of Contracts and Procurement
1200 New Jersey Avenue, SE Second Floor E22-228
Washington, D.C. 20590**

FedSTAR Information

Submission Date: 9/8/2009 8:50:38 PM



Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, SE
Washington DC 20590

DEPARTMENT OF TRANSPORTATION

APPLICATION

2010 GRANT PROGRAM IN SUPPORT OF STATE DAMAGE PREVENTION

The Kentucky Underground Protection Inc hereby applies to the Department of Transportation for Federal funds appropriated for the support of State Damage Prevention Programs established under 49 U.S.C. Section 60134 et seq.

The State agency plans to carry out the State Damage Prevention Program, during calendar year 2010, as described in Attachment 1, "Project Abstract/Statement of Objectives". To accomplish the program, the state agency proposes to expend funds as set forth in Attachment 4, "State Damage Prevention Estimated Budget".

Signature

Title

Date



Project Abstract/Statement of Objectives

Please provide a clear and concise description of the work this grant will fund for calendar year 2010

Using the State Damage Prevention Grant, Kentucky 811 plans to hire an individual whose responsibilities will include:

? Provide statewide, random quality control audits of the dig process, tracking the entire life-cycle from receipt of locate notification to completion of the actual excavation. This will also include actively seeking out excavation sites for which it appears no notification was made and working with the responsible parties to become compliant with Kentucky Law.

? Collect damage data from incidents throughout the state and perform analysis to discover the areas of non-compliance with the call before you dig law. The collected data will also be used to develop cause and affect trends and will be studied to reveal behavioral patterns. This will involve obtaining data from all parties involved and preparing a case study of each incident. Much of this data will be obtained directly from the site of the incident.

? The potential exists for certain geographic jurisdictions to grant this individual the necessary authority to issue "Courtesy Warnings", "Stop Work Orders" and if appropriate, citations to facility owner/operators and excavators found operating in conflict with the Kentucky call before you dig law. NOTE: Kentucky law requires that any fines collected as penalties be paid to the general fund of the state, county or city where the violation occurred. Kentucky 811 is prohibited from receiving any fines, proceeds, awards or any other form of compensation that result from citations.

? Create and distribute reports of findings from field audits/discussions, interviews, damage investigations and occurrence frequencies to all stakeholder groups and through the community damage prevention councils and the regional CGA's

? Work hand-in-hand with local law enforcement agencies to provide officer training and education on the call before you dig law and safe excavating processes and procedures, including CGA Best Practices.



State Damage Prevention Elements

ELEMENT 1 - EFFECTIVE COMMUNICATIONS

"Participation by operators, excavators, and other stakeholders in the development and implementation of methods for establishing and maintaining effective communications between stakeholders from receipt of an excavation notification until successful completion of the excavation, as appropriate."

Does the proposed project address this element? (Required) Yes

Describe any existing state initiatives that support this element: (Required)

Currently, Kentucky Underground Protection is actively promoting expanded participation by all stakeholders in community based "Damage Prevention Councils". Several data sets are used to determine the type of training, education and public awareness programs that are presented throughout the state of Kentucky. The missing component is data. The core activity of Kentucky Underground Protection is to provide for safe excavation from initial notification to excavation. Efforts are made to include all stakeholders in the process, from the policy-making to the implementation. The Kentucky Underground Protection Board of Directors is made up of representatives from all sectors of underground facility owners. Additionally, non-voting associate members represent contractors and excavators, state government and the utility locator industry. The Board of Directors meets every other month and holds committee meetings on the months that board meetings do not occur. Kentucky Underground Protection has a dedicated resource that serves as a liaison, throughout the state, between facility owner/operators and excavators. Contractor training sessions, public awareness seminars, trade association shows and exhibits and various forms of media promotions are used to promote call before you dig and the use of 811. Two community based damage prevention councils have been established with plans to establish several more during 2010. Efforts are underway to establish a statewide "Promotions and Public Awareness Council" that will include marketing professionals from many of the facility owner/operators. These efforts pale in comparison to what is needed to effectively involve all stakeholders. Much work is needed and further efforts are required to fully develop the Regional CGA and afford the opportunities for stakeholders to participate in the process and enhance the state's damage prevention process.

Describe how the proposed project will enhance or continue implementation of this element: (Required only if proposal addresses this element)

The project proposed in this grant request will help gather data that will be used to conduct a cause and effect analysis and develop trends. Public awareness and training programs will be produced based on the needs identified from the data collected through this project.

ELEMENT 4 - EFFECTIVE EMPLOYEE TRAINING

"Participation by operators, excavators, and other stakeholders in the development and implementation of effective employee training programs to ensure that operators, the one call center, the enforcing agency, and the excavators have partnered to design and implement training for the employees of operators, excavators, and locators."

Does the proposed project address this element? (Required) No

Describe any existing state initiatives that support this element: (Required)

Kentucky Underground Protection has partnered with the pipeline operators and local distribution companies to provide training programs to excavation companies and their employees. Additionally, Kentucky Underground Protection is involved in the presentations given to excavators and emergency responders as a function of API RP-1162. The effectiveness of these programs is questionable due to the lack of adequate enforcement and general field presence at dig sites. The data collected through this project could eventually be used to develop future programs to enhance performance of this element.



ELEMENT 5 - PUBLIC EDUCATION

"A process for fostering and ensuring active participation by all stakeholders in public education for damage prevention activities."

Does the proposed project address this element? (Required) No

Describe any existing state initiatives that support this element: (Required)

The Kentucky Underground Protection Damage Prevention Committee is responsible for providing statewide education through the One Call staff. The Committee meets regularly and continually reviews its efforts. Typically, nearly 100 public awareness, excavator awareness and safe digging training and education sessions are held annually throughout Kentucky as a result of this committee's efforts. These programs are targeted to reach individuals in all stakeholder groups.



ELEMENT 6 - DISPUTE RESOLUTION

"A process for resolving disputes that defines the State authority's role as a partner and facilitator to resolve issues."

Does the proposed project address this element? (Required) No

Describe any existing state initiatives that support this element: (Required)

Kentucky does not have a formal process for dispute resolution outside of the court system. Each dispute is currently handled on an individual basis between the party causing the damage and the party being damaged. The next possible option for a legislative solution will be during the 2010 General Assembly session. Current plans are to approach that session with a legislative package that will include a dispute resolution process.



ELEMENT 8 - TECHNOLOGY

"A process for fostering and promoting the use, by all appropriate stakeholders, of improving technologies that may enhance communications, underground pipeline locating capability, and gathering and analyzing information about the accuracy and effectiveness of locating programs."

Does the proposed project address this element? (Required) No

Describe any existing state initiatives that support this element: (Required)

Kentucky Undergrond Protection is working closely with some of the primary facility owner/operators in Kentucky to pilot programs such as "Positive Response" that will enhance the damage prevention efforts of the communities they serve. The current "call before you dig law" does not require this step nor does it include any quality benchmarks or standards requirments. The project described in this grant application will provide essential feedback, at a statewide level, on the accuracy and effectiveness of field locating. Potential improvement strategies can be established and implemented based on an analysis of the field data gathered by this project.



ELEMENT 9 - DAMAGE PREVENTION PROGRAM REVIEW

"A process for review and analysis of the effectiveness of each program element, including a means for implementing improvements identified by such program reviews."

Does the proposed project address this element? (Required) No

Describe any existing state initiatives that support this element: (Required)

Kentucky UUnderground Protection does not have in place a formal process for review of each program element because its program does not currently include all nine elements. However, this is a project in the works. Currently, call center statistics, membership levels and damage data that is reported to the call center is tracked, analyzed and distributed on a regular basis. The effectiveness of education programs is tracked in a geospatial geographically based map system that overlays external sources of data. The data collected from the project described in this grant application will be very instrumental in the continued development of this element.



Legislative/Regulatory Actions

Provide a description of any legislature or regulatory actions (including legislative/regulatory studies) taken by the State within the past five (5) years pertaining to damage prevention program improvement, even if those actions were not completely successful.

HB 649 was passed through the 2008 Kentucky General Assembly and enacted as law in July 2008. This Bill added clarification in the following areas of the existing law:

- * Enhanced the definition of an excavation
- * Clarified the definition of an emergency excavation
- * Designated the recipient of 811 calls as the "One Call Center" for the state
- * Added the language adopted by the Pipes Act concerning "the escape of a flammable, toxic, corrosive gas or liquid..."
- * Added language that states that all fines recovered from violators of the law are to be paid to the state, city or county that issued the citation.



State Damage Prevention Application Attachments

SDPP Grant Governor Letter - signed.pdf
2010 SDPP GRANT PROJECT COSTS ESTIMATES.xls



**KENTUCKY UNDERGROUND PROTECTION, INC.
DBA: KENTUCKY 811 - APPLICATION
2010 PIPELINE & HAZARDOUS MATERIAL SAFETY ADMINISTRATION
STATE DAMAGE PREVENTION PROGRAM GRANT**

Kentucky Underground Protection, Inc., DBA “Kentucky 811”, seeks funding to enhance the statewide damage prevention program in accordance with the nine elements of an effective damage prevention program as outlined in the PIPES Act.

Kentucky’s existing damage prevention program is focused around its “call before you dig law” and the activities of Kentucky 811’s Board of Directors, committees and staff. While a number of damage prevention stakeholders, including pipeline operators, engage in damage prevention activities independently of Kentucky 811, no statewide coordinated effort exists to provide all stakeholders the opportunity to participate in developing Kentucky’s damage prevention program.

Kentucky’s “call before you dig law” contains provisions for minimal enforcement but are extremely vague and need a great deal of clarity through legislative efforts. Legislative enhancements have been attempted in the past but were met with stiff opposition due to the lack of real data to support the propositions being presented. It is believed that at least some of that resistance is based on a lack of knowledge about the important role of a strong call before you dig law in an effective damage prevention plan. Additional efforts at the grass roots level are required to gain the support needed for legislation.

Using the State Damage Prevention Grant, Kentucky 811 plans to hire an individual whose responsibilities will include:

- Provide statewide, random quality control audits of the dig process, tracking the entire life-cycle from receipt of locate notification to completion of the actual excavation. This will also include actively seeking out excavation sites for which it appears no notification was made and working with the responsible parties to become compliant with Kentucky Law.
- Collect damage data from incidents throughout the state and perform analysis to discover the areas of non-compliance with the call before you dig law. The collected data will also be used to develop cause and affect trends and will be studied to reveal behavioral patterns. This will involve obtaining data from all parties involved and preparing a case study of each incident. Much of this data will be obtained directly from the site of the incident.
- The potential exists for certain geographic jurisdictions to grant this individual the necessary authority to issue “Courtesy Warnings”, “Stop Work Orders” and if

f. Contractual	
Contractor Compensation	\$50,000
Category Total	\$50,000
g. Construction	\$0
Category Total	
h. Other	\$500
Category Total	\$500
k. Totals	\$100,000

Compensation through a contractual agreement.

Application for Federal Assistance SF-424

Version 02

* 1. Type of Submission:

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

* 2. Type of Application:

- ☒ New
☐ Continuation
☐ Revision

* If Revision, select appropriate letter(s):

* Other (Specify)

* 3. Date Received:

08/31/2009

4. Applicant Identifier:

5a. Federal Entity Identifier:

* 5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name:

Kentucky Underground Protection, Inc.

* b. Employer/Taxpayer Identification Number (EIN/TIN):

61-1121421

* c. Organizational DUNS:

623096740

d. Address:

* Street1:

P.O. Box 99825

Street2:

* City:

Louisville

County:

Jefferson

* State:

KY: Kentucky

Province:

* Country:

USA: UNITED STATES

* Zip / Postal Code:

40269

e. Organizational Unit:

Department Name:

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

Mr.

* First Name:

Timothy

Middle Name:

* Last Name:

Vaughn

Suffix:

Title:

Director

Organizational Affiliation:

* Telephone Number:

502-442-3160

Fax Number:

* Email:

tim.vaughn@insightbb.com

Application for Federal Assistance SF-424

Version 02

9. Type of Applicant 1: Select Applicant Type:

N: Nonprofit without 501C3 IRS Status (Other than Institution of Higher Education)

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

Pipeline &Hazardous Material Safety Administration

11. Catalog of Federal Domestic Assistance Number:

20.720

CFDA Title:

State Damage Prevention Program Grants to your various systems

* 12. Funding Opportunity Number:

DTPH56-10-SN-0001

* Title:

State Damage Prevention Grants

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

* 15. Descriptive Title of Applicant's Project:

Kentucky Statewide Damage Prevention, Enforcement, Dig-site Audit and Data Collection Project

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

Version 02

*** Applicant Federal Debt Delinquency Explanation**

The following field should contain an explanation if the Applicant organization is delinquent on any Federal Debt. Maximum number of characters that can be entered is 4,000. Try and avoid extra spaces and carriage returns to maximize the availability of space.

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

* APPLICANT'S ORGANIZATION

Kentucky Underground Protection, Inc.

* PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

Prefix: Mr. * First Name: Timothy Middle Name:
* Last Name: Vaughn Suffix:
* Title: Director

* SIGNATURE: Timothy Vaughn

* DATE: 08/31/2009



COMMONWEALTH OF KENTUCKY
OFFICE OF THE GOVERNOR

STEVEN L. BESHEAR
GOVERNOR

700 CAPITAL AVENUE
SUITE 100
FRANKFORT, KY 40601
(502) 564-2611
FAX: (502) 564-2517

April 14, 2008

PHMSA
Office of Contracts and Procurement
1200 New Jersey Avenue, SE, E22-228
Washington, D.C. 20590

Attention: Karina Munoz

Dear Ms. Munoz:

Kentucky Underground Protection, Incorporated, aka Kentucky 811, is applying for a federal grant that is made available through the Pipeline and Hazardous Material Safety Administration (PHMSA) for use by the state designated facility for underground utility damage prevention.

Kentucky 811 was established in 1987 as the "Call Before You Dig" one-call center for Kentucky. The Federal Communications Commission implemented "811" as the national 3 digit call-before-you-dig number during 2007. The Kentucky Public Service Commission designated Kentucky 811 as the sole recipient of dialed 811 calls in Kentucky. Additionally, Kentucky 811 conducts training sessions and seminars promoting safe digging, pipeline safety, and public awareness annually throughout the 120 counties of Kentucky.

With this letter, I designate Kentucky 811 as the state authority eligible to receive this PHMSA-sponsored State Damage Prevention grant.

Title:	"State Damage Prevention Program"
Funding Opportunity Number:	DTPH56-08-SN-0001
CFDA Number:	20.720

Sincerely,

Steven L. Beshear